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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICAH JOEL AHKEEM IVERSON KELLY,

Defendant.

2:15-cr-041-GMN-NJK

MOTION TO CONTINUE
GOVERNMENT'S DEADLINE TO
FILE EXHIBIT LIST, PROPOSED
VOIR DIRE, PROPOSED JURY
INSTRUCTIONS, AND TRIAL
BRIEF

The United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and Amber M. Craig, Assistant United States Attorney, respectfully moves this Court to continue the Government's deadline to file exhibit list, proposed *voir dire*, proposed jury instructions, and trial brief, currently scheduled for November 19, 2015, to November 23, 2015.

This motion is submitted for the following reasons:

1. Government counsel was informed today, November 18, 2015, by defense counsel that the Defendant wishes to go to trial. Trial documents are due tomorrow, November 19, 2015.

Government counsel needs additional time to prepare and file the trial documents.

2. For the reasons stated above, the ends of justice would best be served by a continuance of the deadline to file trial documents.

3. Additionally, denial of this request for continuance could result in a miscarriage of

1 justice.

2 4. The additional time requested by this motion is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United
5 States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6 5. This is the first request for a continuance of the filing deadline for trial documents.

7 DATED this 18th day of November, 2015.

8 Respectfully Submitted,

9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ Amber M. Craig
12 AMBER M. CRAIG
13 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICAH JOEL AHKEEM KELLY,

Defendant.

2:15-cr-041-GMN-NJK

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

FINDINGS OF FACT

Based upon the Government's unopposed motion, and good cause appearing therefore, the Court finds that:

1. Government counsel was informed today, November 18, 2015, by defense counsel that the Defendant wishes to go to trial. Trial documents are due tomorrow, November 19, 2015.

Government counsel needs additional time to prepare and file the trial documents.

2. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline and the detention hearing.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice.

4. The additional time requested is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the
3 exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
5 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the Government's deadline to file exhibit list, proposed
8 *voir dire*, proposed jury instructions, and trial brief, currently scheduled for November 19, 2015, be
9 vacated and continued to the 23rd day of November, 2015 by 9:00 a.m. at Calendar Call.

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11 DATED this 18 day of November, 2015.

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14 HONORABLE GLORIA M. NAVARRO
15 CHIEF UNITED STATES DISTRICT JUDGE
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